

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Criminal Action No.
	)	05-00175-01-CR-W-NKL
ANTHONY HOLLINGER,	)	
	)	
Defendant.	)	

**MEMORANDUM OF MATTERS DISCUSSED AND  
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on September 2, 2005. Defendant Anthony Hollinger appeared in person and with retained counsel David Rauzi. The United States of America appeared by Assistant United States Attorney Rudolph Rhodes.

***I. BACKGROUND***

On May 10, 2005, an indictment was returned charging defendant with being a felon in possession of a firearm, in violation of 18 U.S.C. §§ 922(g)(1), 924(a)(2).

The following matters were discussed and action taken during the pretrial conference:

***II. TRIAL COUNSEL***

Mr. Rhodes announced that he will be the trial counsel for the government. The case agent to be seated at counsel table is Detective Byron Hartley, ATF.

Mr. Rauzi announced that he will be the trial counsel for Defendant Anthony Hollinger.

***III. OUTSTANDING MOTIONS***

At the time of the conference, Defendant's Motion to Dismiss was pending. However, on September 6, 2005, Defendant's motion was denied for failure to request leave to file out of time (Document No. 29).

***IV. TRIAL WITNESSES***

Mr. Rhodes announced that the government intends to call six witnesses without stipulations or three witnesses with stipulations during the trial.

Mr. Rauzi announced that Defendant Anthony Hollinger does not intend to call any witnesses during the trial. The defendant may testify.

***V. TRIAL EXHIBITS***

Mr. Rhodes announced that the government will offer approximately ten exhibits in evidence during the trial.

Mr. Rauzi announced that Defendant Anthony Hollinger will not offer any exhibits in evidence during the trial.

***VI. DEFENSES***

Mr. Rauzi announced that Defendant Anthony Hollinger will rely on the defense of general denial.

***VII. POSSIBLE DISPOSITION***

Mr. Rauzi stated this case is definitely for trial.

***VIII. STIPULATIONS***

Stipulations are not appropriated in this case.

***IX. TRIAL TIME***

Counsel were in agreement that this case will take 1 ½ days to try.

***X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS***

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed August 9, 2005, counsel for each party file and serve a list of exhibits he/she intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by September 2, 2005;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Wednesday, September 7, 2005;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions by or before noon, Wednesday, September 7, 2005. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and, if available to counsel, 3 and ½ inch computer disk in a form compatible with WordPerfect 9.0, 10.0, or 11.0.

***XI. UNUSUAL QUESTIONS OF LAW***

No motions in limine are anticipated. There is a dispute, however, about whether the prior conviction (SIS) is applicable to a felon in possession charge. Defendant says he only has a SIS conviction, whereas the government contends other prior criminal convictions apply.

***XII. TRIAL SETTING***

All counsel and the defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on September 12, 2005.

*/s/ Robert E. Larsen*

ROBERT E. LARSEN  
U. S. Magistrate Judge

Kansas City, Missouri  
September 7, 2005

cc: The Honorable Nanette K. Laughrey  
Mr. Rudolph Rhodes  
Mr. David Rauzi  
Mr. Jeff Burkholder